

42. **(Previously Presented)** The method of claim 10, wherein said sensor is a reflective energy sensor.

43. **(Previously Presented)** The method of claim 42, further comprising the step of utilizing said reflective energy sensor to reflect energy off an inside surface of said shipping container.

44. **(Cancelled)** Please delete.

45. **(Previously Presented)** The method of Claim 39, wherein said step of opening is opening an access port.

46. **(Previously Presented)** The method of Claim 39, wherein said step of opening is creating an opening in said compartment.

### **REMARKS**

Claims 1-17, 20-24, 31-39, 41-43, 45 and 46 remain pending in the application. Claims 16, 18, 19, 25-30, 38-40 and 44 have been deleted. Claims 1, 10, 17, 31, 33, 34 and 37 have been amended.

The Examiner indicated that Claims 33-36, 39, 43 and 45-46 would be allowable if rewritten in independent form to include all of the limitations of the base and intervening claims. Applicant has accordingly amended these claims by deleting the base claim 30 and presenting claims 33 and 34 in independent form. Allowance of these claims is respectfully requested.

Part of the novelty of the allowed claims is the use of a sensor to transmit energy or a signal within a container, reflect the transmitted energy off of an internal surface of the container, and utilize the difference in the transmitted and reflected energy to determine if the container has been breached. To that end, Applicant has amended the other apparatus and method claims to recite the foregoing. It will be appreciated that in order to have the capability of emitting and energy signal and receiving an energy signal, the sensor must be an "active" or "energized" device connected to a power source.

The Examiner has rejected independent Claims 1, 10, 16 and 17 under 35 U.S.C. 103 as being obvious based on Levy (USP 5,448,220) in combination with Watters (USP 6,806,808). Applicant traverses this rejection on the grounds that Watters and Levy, either alone or in combination, do not teach or suggest each and every element of the limitations set forth in Applicant's amended Claims 1, 10, 16 and 17.

As previously stated in the Office Action Response of September 13, 2005, Levy teaches a system for identifying and monitoring the contents of a transportable container, such as drum 12, and to transmit information about the contents. The sensor 18 is directed at sensing the contents of the container. Alternatively, the sensor is directed at sensing the environment inside or outside the container, such as temperature or pressure. The condition of the contents of the container being monitored in Applicant's claimed invention is not being monitored.

Watters, is directed toward the use of passive sensors to record a change in state of the substance in which it is embedded, such as a temperature change in the bonding material securing thermal protection tiles to a space vehicle. Col. 3, line 8; Col. 5, line 54; Col 22, line 12. Passive

sensors do not utilize a power source. Likewise, because of this, Watters teaches that passive sensors cannot provide real-time feedback, but simply the occurrence of a one-time event. Col. 7, line 58; Col. 8, line 2.

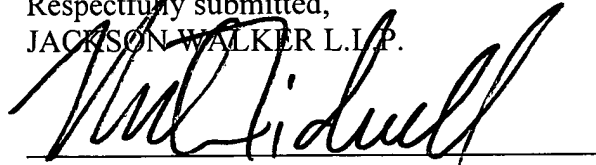
In contrast to the passive sensors utilized in Watters, Applicant claims a sensor that is attached to a power source and capable of transmitting an energy signal and receiving an energy signal. It is the comparison of the transmitted and received energy signals that can be utilized to determine if a triggering event, namely a container breach, has occurred. The energy signal is preferably reflected from the surface that is being monitored. For example, in the allowed Claim 36, the energy signal is bounced off of an access port. Watters does not teach a sensor with this capability, nor does Watters suggest such a sensor. Rather, to the extent one in the art would look to Watters for any teaching, it would be only of the use of passive sensors. Nor does Levy teach sensor that emits and receives energy for the purpose of measuring the difference in the two.

For this reason, neither Watters or Levy teach or suggest each and every limitation of Claims 1, 10, 16 and 17. The Examiner is respectfully requested to withdraw the outstanding rejection of these claims.

Applicant has amended the claims to clarify the structure which applicant believes distinguishes the invention over the cited references, to clarify the functions of the claimed invention, and to clarify the limitations within the claims drawn to such structure. However, amendments have not been made to narrow the claims of the original application but, rather simply, to clarify claims due to grammar that the Examiner found unclear or objectionable.

If the Examiner feels that a telephone conference with the undersigned would be helpful to the allowance of this application, a telephone conference is respectfully requested.

Respectfully submitted,  
JACKSON WALKER L.L.P.

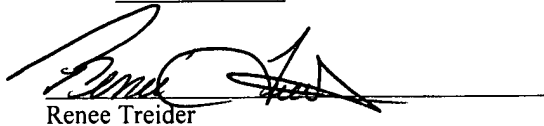


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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: March 31, 2006



Renee Treider